

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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KEITH C. TOLBERT,	:	
Plaintiff,	:	
	:	
v.	:	No. 2:22-cv-01182
	:	
CORRECTIONAL OFFICER BALDWIN,	:	
LT MORGAN, and NICOLA S. WEINER, <sup>1</sup>	:	
<i>as Representative of the Estate of</i>	:	
<i>Dr. Stephen Weiner,</i>	:	
Defendants.	:	

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**ORDER**

NOW, this 28<sup>th</sup> day of March, 2023, for the reasons set forth in the opinions issued this date, on April 4, 2022, and on November 30, 2022, *see* ECF Nos. 5, 55, **IT IS HEREBY**

**ORDERED THAT:**

1. Weiner's Motion to Dismiss, ECF No. 58, is **GRANTED**.
2. Count II, which is against Defendant Wiener, is **DISMISSED with prejudice**.
3. The Clerk of Court is directed to **TERMINATE** Nicola S. Weiner<sup>2</sup> as a defendant in this action.
4. A separate order will be issued regarding the discovery schedule for the remaining claims and Defendants.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge

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<sup>1</sup> Incorrectly spelled Wiener on the docket.

<sup>2</sup> See Footnote 1, *supra*.